

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Benito ANGELES-Acuna

Defendant.

Magistrate Case No.

'08 MJ 0777

COMPLAINT FOR VIOLATION OF:

**Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States**

The undersigned complainant, being duly sworn, states:

On or about, **March 10, 2008**, within the Southern District of California, defendant, **Benito ANGELES-Acuna** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF March 2008.

UNITED STATES MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On March 10, 2008, at approximately 9:00 AM, Defendant "Benito ANGELES-Acuna" was encountered and apprehended at the intersection of 49th Street and University Avenue in San Diego, California by an Immigration and Customs Enforcement (ICE) Agent with Detention and Removal Operations (DRO), while pursuing a lead on an ICE fugitive operation. Defendant was taken into ICE custody and transported to the San Diego Field Office for further investigation.

A thorough review of official immigration computer database record checks revealed that the defendant was last ordered removed by an Immigration Judge on or about October 20, 2000 and removed on October 20, 2000, via the San Ysidro Port of Entry, at San Ysidro, California. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint Identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Benito ANGELES-Acuna**, a citizen and national of Mexico.

All information indicates the defendant is a citizen and national of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.